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EXAMINER	
POLTORAK, PIOTR	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 09/892,667	**Applicant(s)** GIRARD, LUKE E.	
	Examiner Peter Poltorak	**Art Unit** 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2006*.

2a)□ This action is **FINAL**. 2b)☒ This action is non-final.

3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)□ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)□ Claim(s) _____ is/are objected to.

8)□ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)□ The specification is objected to by the Examiner.

10)□ The drawing(s) filed on _____ is/are: a)□ accepted or b)□ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)□ All b)□ Some * c)□ None of:

1.□ Certified copies of the priority documents have been received.

2.□ Certified copies of the priority documents have been received in Application No. _____.

3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) □ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) □ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) □ Notice of Informal Patent Application (PTO-152)

6) □ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/08/06 has been entered.

2. The Amendment introduces a new limitation into the originally sole independent claims 1, 15 and 24. The newly introduced limitation has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

4. Claims 1-26 have been examined.

Response to Amendment

5. In light of applicant's arguments and amendments the previously stated USC § 102 rejections have been withdrawn.

Claim Objections

6. Claims 7, 16 and 26 are objected to because of the following informalities: a comma following "a renewable certificate" suggests that "a lack of communication to a policy

server or to a security token" is by itself one of the security policy entries rather than a subset of "a designated time expiration" (that is "based on ... a lack of communication to a policy server or to a security token") which, according to the specification, seems to be applicant's intention.

7. The term "currentl<u>y</u> location" in claim 15 should read "current location".

8. Claims 16-23 are objected by virtue of their dependence.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. Claims 3-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. The term "<u>other</u> information" recited in claims 3 renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "other"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

11. Claims 4-14 are rejected by virtue of their dependence.

Appropriate correction is required.

12. Claims 1-26 have been examined.

Rejections - 35 USC § 102 or 103

13. Claims 1-2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688).*

As per claims 1-2 *Cromer* discloses a mobile system *(Cromer, Fig. 1)* comprising a host chipset, a locator susbsystem connected to the host chipset and arranged to determine a current location of the mobile system and a main storage connected to the host chipset *(Cromer, Fig. 2, col. 4 line 53 - col. 5 line 50).*

Cromer discloses enforcing security policies during user authentication, to access the locator subsystem and determine whether the mobile system may have been stolen or used inappropriately based on the current location of the mobile system and the security policies *(Cromer, col. 3 lines 42-col. 4 lines 16).*

Cromer does not explicitly disclose that the main storage is arranged to store an operating system (OS) and that it contains an OS-Present application. However, computers, including mobile computers, inherently use OS and most of the every commercial laptops contain an OS-Present applications. Thus the use of an OS-Present applications in *Cromer's* mobile device, if not inherent, is at least implicit. Furthermore, mobile devices such as laptops inherently use main memory to store OS, and the OS-Present application and flash memory to store Pre-OS application that are executed during boot up. In fact, Cromer explicitly discloses a flash memory arranged to store the Pre-OS application which is executed during boot-up before the operating system (OS) is loaded *(Cromer, col. 5 lines 13-18).*

Claim Rejections - 35 USC § 103

14. Claims 3-6 are rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Angelo (U.S. Patent No. 6581162).*

    Cromer discloses a mobile system wherein the locater subsystem is a radio frequency based locator subsystem for determining the current location of the mobile system *(Cromer, col. 3 lines 42-44).*

15. *Cromer* does not explicitly disclose that the Pre-OS application and the OS-Present application are supported by a protected storage configured that stores configuration data, the security polices, authentication data and other information obtained from the Pre-OS applications and the OS-Present application.

    Angelo discloses a protected storage configured to store sensitive data such as authentication data *(Angelo, col. 2 line 66- col. 3 line 40).*

    It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a protected storage configured to store sensitive data such as authentication data as disclosed by *Angelo* to support the Pre-OS and OS-Present applications disclosed by *Cromer* . One of ordinary skill in the art would have been motivated to perform such a modification given the benefit of preventing security breaches *(Angelo, col. 2 lines 39-64).*

16. Although *Angelo* does not explicitly discloses storing in the protected storage other information such as configuration data and the security policies, storing any of this type of data would not affect the functionality of the invention and in fact would have been obvious to one of ordinary skill in the art at the time of applicant's invention given the benefit of protecting confidentiality of the sensitive information.

17. The limitations of claim 4, if not inherent, are at least implicit. In computing, applications communicate with objects (e.g. locations, routines etc.) via interfaces that vary depending on an application layer.

18. Claim 5 is inherent: password authentication involves comparing a user-entered password with an entry previously stored in the authenticating computer.

19. Claim 7 is rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Angelo (U.S. Patent No. 6581162)* and further in view of *Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213)* and *Patel (U.S. Patent No. 6438690)*.

Cromer in view of *Angelo* teach a mobile system utilizing security policies for the Pre-OS and the OS-Present application.

Cromer in view of *Angelo* do not explicitly teach that the security policies include a designated number of failed log-on attempts, an unauthorized change attempted on selected platform policies, an unauthorized use of monitored services, a designated time expiration based on a renewable certificate, or a lack of communication to a policy server or to a security token, and an unauthorized deletion of the protected storage.

Hadfield teaches number of failed log-on, unauthorized use of monitored services and an unauthorized change attempted on selected platform policies *(Hadfield, pg. 27-28)*, and unauthorized deletion of the protected storage policies *(Hadfield, pg. 107)*. *Patel* discloses certificate configuration policy *(Patel, col. 5 lines 38-46)*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a designated number of failed log-on attempts, an unauthorized change attempted on selected platform policies, an unauthorized use of monitored services, a designated time expiration based on a renewable certificate, or a lack of communication to a policy server or to a security token, and an unauthorized deletion of the protected storage as disclosed by *Hadfield* and *Patel* given the benefit of increase security *(Patel et al. col. 2 lines 4-12)* and detailing how the users are allowed to interact with the system *(Handfield, pg. 27, last §).*

20. Additionally, the examiner points out that the missing policies are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Enforcing security policies would be performed regardless of the type of policies implemented. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

21. Claims 15, 21-22 and 24 are rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Rainbow Technologies (Rainbow Technologies, "Protecting Laptops with iKey and Intel Protected Access Architecture").*

Cromer discloses Pre-OS BIOS instructions *(e.g. Cromer, col. 5 lines 13-18)* that inherently implement initializing and testing a system platform but is silent in regard to BIOS instructions being configured in accordance with IPAA enforcing security.

Rainbow Technologies teach a system basic input/output start-up being configured in accordance with IPAA and being executed during boot up and enforcing security policies before the OS is loaded *(Rainbow Technologies, "How Does IPAA Work section, pg. 2).*

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a system basic input/output start-up being configured in accordance with IPAA and being executed during boot up before the OS is loaded as taught by *Rainbow Technologies.* One of ordinary skill in the art would have been motivated to perform such a modification in order to make a stolen laptop unusable by unauthorized users *(Rainbow Technologies, The Intel Protected Access Architecture section, pg. 2).*

22. As per claim 21-22 *Cromer* discloses a GPS receiver/transmitter *(Cromer, col. 3 lines 42-43).*

23. Claims 20 and 25 are rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Rainbow Technologies (Rainbow Technologies, "Protecting Laptops with iKey and Intel Protected Access Architecture")* and further in view of *Cotichini (U.S. Patent No. 6300863).*

Cromer in view of *Rainbow Technologies* disclose BIOS instructions as discussed previously but fail to disclose reporting the location based information indicating the current location of the mobile system to a proper authority, via an Internet or a RF-based wireless network.

Cotichini discloses reporting the location based information indicating the current location of the mobile system to a proper authority, via an Internet or a RF-based wireless network *(Cotichini, Abstract, col. 10 line 56-col. 11 line 31).*

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include reporting the location based information indicating the current location of the mobile system to a proper authority, via an Internet or a RF-based wireless network given the benefit of recovering the mobile system *(col. 28 lines 15-21).*

24. Claim 26 is rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Rainbow Technologies (Rainbow Technologies, "Protecting Laptops with iKey and Intel Protected Access Architecture")* and further in view of *Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213)* and *Patel (U.S. Patent No. 6438690).*

25. Claim 26 introduces limitations substantially equivalent to the limitations of claim 7; therefore claim 26 is similarly rejected.

26. Claims 8-9 are rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Angelo (U.S. Patent No. 6581162)*, *Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213)* and *Patel (U.S. Patent No. 6438690)* and further in view of in view of *Rainbow Technologies (Rainbow Technologies, "Protecting Laptops with iKey and Intel Protected Access Architecture").*

Cromer, Hadfield and Patel teach the mobile device security as discussed above including collecting location based information from the RF-based locator subsystem and making decision that the mobile system may have been stolen or used inappropriately based on a violation of the security policies.

27. *Cromer, Hadfield and Patel* do not teach that BIOS is configured in accordance with IPAA. However, this limitation in claim 8 is substantially equivalent to the limitation of claim 25; thus it is similarly rejected.

28. Claim 10 is rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Angelo (U.S. Patent No. 6581162)*, *Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213), Patel (U.S. Patent No. 6438690)* and *Rainbow Technologies (Rainbow Technologies, "Protecting Laptops with iKey and Intel Protected Access Architecture")* and further in view of *Cotichini (U.S. Patent No. 6300863).*

Claim 10 introduces limitations substantially equivalent to the limitations of claim 25; therefore claim 10 is similarly rejected.

29. Claims 11-13 are rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Angelo (U.S. Patent No. 6581162)* and *Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213)* and *Patel (U.S. Patent No. 6438690)* and further in view of *Cotichini (U.S. Patent No. 6300863).*

Claim 11 introduces limitations substantially equivalent to the limitations of claim 25; therefore claim 11 is similarly rejected.

30. As per claim 13 GPS systems utilize radio towers but *Cromer, Angelo, Hadfield* and *Patel* do not explicitly disclose that the broadcasted signal is silent. However, *Cromer, Angelo, Hadfield* and *Patel* do not mention anything about an audio (non-silent) signal and RF, and unless purposely modified while received by output devices, signals are silent. Furthermore, Official Notice is taken that it is old and well-known practice sending a silent signal in situation where unauthorized actions are suspected. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to broadcast signal in order not to alert a potential unauthorized person to the fact that the mobile device is traced by authorities.

31. Claims 16-18 are rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Rainbow Technologies (Rainbow Technologies, "Protecting Laptops with iKey and Intel Protected Access Architecture")* and further in view of *Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213)* and *Patel (U.S. Patent No. 6438690).* Claim 16 introduces limitations substantially equivalent to the limitations of claim 7; therefore claim 16 is similarly rejected.

32. Claims 19 are rejected under 35 U.S.C. 103(a) as obvious over Cromer *(U.S. Patent No. 6166688)* in view of *Rainbow Technologies (Rainbow Technologies, "Protecting Laptops with iKey and Intel Protected Access Architecture")* and *Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213)* and *Patel (U.S. Patent No. 6438690)* and further in view of *Cotichini (U.S. Patent No. 6300863).*

Claim 19 introduces limitations substantially equivalent to the limitations of claim 25; therefore claim 19 is similarly rejected.

33. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over are rejected under 35 U.S.C. 103(a) as obvious over *Cromer (U.S. Patent No. 6166688)* in view of *Rainbow Technologies (Rainbow Technologies, "Protecting Laptops with iKey and Intel Protected Access Architecture")* in view of *Bajikar (U.S. Pub. 20020194500).*

Cromer in view of *Rainbow Technologies* teach the mobile system as discussed above.

Cromer in view of *Rainbow Technologies* do not teach the RF-based locator subsystem corresponding to a Bluetooth TM transceiver that is part of a Bluetooth TM based security system including a central security server and a network of Bluetooth (voice/data) Access Points (BTAPs) installed in a designated area to provide security services for the mobile system, including asset control, remote monitoring and tracking of the mobile system, through the Internet or the RF-based wireless network.

Bajikar teaches a Bluetooth based security system utilized to provide ad-hoc security services to secured assets comprising a secured device (SD) equipped with Bluetooth (BT) technology; a plurality of Bluetooth Access Points (BTAPs) located at designated points to establish a BT link with the secured device (SD); and a security server (SS) connected to all BTAPs and arranged to provide access control and security services for the secured device (SD), wherein the security server (SS) obtains attribute information *(Abstract and Fig. 1).* Furthermore *Bajikar* discloses that the Bluetooth TM based security system serves to control and monitor the status of all secured devices or assets remotely, through the Internet or other networks *[0024]*.

The *Bajikar's* teaching reads on RF-based locator subsystem corresponding to a Bluetooth TM transceiver that is part of a Bluetooth TM based security system including a central security server and a network of Bluetooth (voice/data) Access Points (BTAPs) installed in a designated area to provide security services for the mobile system, including asset control, remote monitoring and tracking of the mobile system, through the Internet or the RF-based wireless network.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize an RF-based locator subsystem subsystem corresponding to a Bluetooth TM transceiver that is part of a Bluetooth TM based security system including a central security server and a network of Bluetooth (voice/data) Access Points (BTAPs) installed in a designated area to provide security services for the mobile system, including asset control, remote monitoring and tracking of the mobile system, through the Internet or the RF-based wireless network as taught by *Bajikar*. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide low-cost and low-power ad-hoc security *[Bajikar 0021]*.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cotichini discloses initializing and testing a system platform of a mobile system
Checking a Pre-OS security policy record for an approved trigger mechanism
Collecting location based information for the mobile system from the approved trigger mechanism,

Determining if there is a violation of security policies during user authentication and

If there is a violation of the security policies, making a decision that the mobile system may have been stolen or used inappropriately

Wherein said BIOS insturcitons are configured in accordance with IPAA.

BIOS instructions cause the processor to report the location based information indicating the current location of the mobile system to a proper authority, via an Internet or a RF-based wireless network, when there is a violation of the security policies.

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